

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LIONEL C. WHITEHEAD,

Petitioner,

v.

Case No. 06-C-956

WARDEN JEFFREY P. ENDICOTT,

Respondent.

ORDER

Lionel C. Whitehead (“Whitehead”) is a prisoner incarcerated pursuant to a Wisconsin state court judgment. On September 12, 2006, proceeding pro se, he filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Chief Judge Rudolph T. Randa screened Whitehead’s petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases and on March 7, 2007, the respondent answered Whitehead’s petition. On March 15, 2007, Whitehead filed a motion requesting that counsel be appointed to assist him. On July 16, 2007, this court denied Whitehead’s motion on the basis that, upon a review of the record in this matter, the court was unable to say that the Whitehead has demonstrated a reasonable probability of success if counsel were appointed for Whitehead.

Whitehead has now filed a motion seeking the court reconsider its denial of the appointment of counsel and has filed an additional motion to supplement his motion for reconsideration of the appointment of counsel. In these motions, Whitehead raises no grounds as to why counsel should be appointed; Whitehead simply again professes his innocence. Therefore, for the reasons set forth in this court’s earlier decision, Whitehead’s motion for reconsideration is denied.

As for Whitehead’s motion to supplement, the court shall grant this motion. Additionally, in this motion Whitehead states that he is unsure if he needs to file a brief in this case. A brief of legal

memorandum is not required in federal habeas petitions; the petition and the answer along with its attached documents are ordinarily all the pleadings necessary to enable the court to resolve the petition. However, this court will ordinarily permit a petitioner to file a legal memorandum following the respondent's answer. Therefore, the court will permit Whitehead to submit a memorandum of law within **thirty (30) days** of the date of this order. Following the submission of Whitehead's memorandum, the respondent shall have **thirty (30) days** to submit any reply.

IT IS THEREFORE ORDERED that Whitehead's motion for reconsideration is **denied**.

IT IS FURTHER ORDERED that Whitehead's motion to supplement is **granted**.

IT IS FURTHER ORDERED that if Whitehead wishes to submit a memorandum of law in support of his petition he shall do so within **thirty (30) days** of the date of this order. Following the submission of Whitehead's memorandum, the respondent shall have **thirty (30) days** to submit any reply.

Dated at Milwaukee, Wisconsin, this 29th day of October, 2007.

BY THE COURT:

s/Aaron E. Goodstein
AARON E. GOODSTEIN
U.S. Magistrate Judge